

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

VICI METRONICS, INC.,

No. C-04-0854 SC (JCS)

Plaintiff(s),

v.

**NOTICE OF REFERENCE, TIME
AND PLACE OF HEARING; ORDER
TO MEET AND CONFER**

REAL SENSORS, INC., ET AL.,

Defendant(s).

(E-FILING CASES)

TO ALL PARTIES AND COUNSEL OF RECORD:

The above matter has been referred to Magistrate Judge Joseph C. Spero for all discovery matters.

The hearing on Plaintiff's Motion for Order Compelling the production of Documents and the Taking of Depositions [Document No. 92] (the "Motion") has been set for **January 26, 2007, at 9:30 a.m.**, in Courtroom A, 15th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California 94102. The opposition(s), if not already filed, shall be electronically filed and served no later than twenty-one (21) days prior to the hearing. Any reply to the opposition(s) shall be electronically filed and served no later than fourteen (14) days prior to the hearing. All documents shall be filed in compliance with Civil L.R. 7-2 through 7-5. Documents not filed in compliance with those rules will not be considered by the Court. Any party seeking an award of attorney's fees or other expenses in connection with this motion shall file a motion in accordance with Civil L.R. 37-3.

In addition, it appears that counsel have not made adequate efforts resolve this matter without the need for Court intervention. Accordingly, IT IS HEREBY ORDERED that **not later than January 12, 2007**, lead trial counsel for Plaintiff and lead trial counsel for Defendants shall (1)

1 meet and confer **in person** regarding the subject matter of the Motion in an effort to resolve the
2 matter, and (2) provide a detailed Joint Letter to the Court. This Joint Letter shall include a
3 description of every issue in dispute and, with respect to each such issue, a detailed summary of each
4 party's final substantive position and its final proposed compromise on each issue.

5 **LAW AND MOTION PROCEDURES**

6 Civil law and motion is heard on Friday mornings, at 9:30 a.m., in Courtroom A, 15th Floor,
7 United States District Court, 450 Golden Gate Avenue, San Francisco, California.

8 In the event a **discovery dispute** arises, IT IS HEREBY ORDERED that before filing any
9 discovery motion before this Court, the parties must comply with the following:

- 10 1. Lead trial counsel for both parties must meet and confer **in person** regarding the
11 matter(s) at issue. This meeting shall occur after other efforts to resolve the dispute,
12 such as telephone, e-mail, teleconference, or correspondence, have been unsuccessful.
13 Once those efforts have proved unsuccessful, any party may demand a meeting of
14 lead trial counsel to resolve a discovery matter. Such a meeting shall occur within ten
15 (10) business days of the demand. The locations of the meetings shall alternate. The
16 first meeting shall be at a location selected by counsel for Plaintiff(s). If there are any
17 future disputes, the next such meeting shall be held at a location to be determined by
18 counsel for Defendant(s), etc.
- 19 2. Within five (5) business days of the in-person meeting between lead trial counsel
20 referred to above, the parties shall jointly file a detailed letter with the Court, which
21 will include the matters that remain in dispute, a detailed substantive description of
22 each side's position on each such issue, and a description of each side's proposed
23 compromise on each such issue.
- 24 3. After the Court has received the joint letter, the Court will determine what future
25 proceedings, if any, are necessary.

26 In the event that the parties continue to be unable to resolve the matters regarding the timing
27 and scope of discovery, the Court will consider what future actions are necessary. These actions
28 may include the following: (1) sanctions against a party failing to cooperate in the discovery process

1 and meet and confer in good faith, as required by this Order, the Federal Rules of Civil Procedure,
2 and the Local Rules of this Court; and/or (2) requiring the Chief Executive Officers of each party to
3 attend the in-person, meet-and-confer sessions described above. The Court is not entering either of
4 these matters as an Order of the Court at this time, and fully expects counsel to meet their
5 obligations under this Order and under the Local Rules.

6 A party or counsel has a continuing duty to supplement the initial disclosure when required
7 under Federal Rule of Civil Procedure 26(e)(1).

8 Law and motion matters may be submitted without argument upon stipulation of the parties
9 and notification of the Court no later than 4:30 p.m. the day before the hearing. Pursuant to Civil
10 L. R. 7-7(e), filed motions may be withdrawn without leave of the Court within seven (7) business
11 days of the date for service of the opposition. Thereafter, leave of the Court must be sought.

12 **ELECTRONIC FILING AND COURTESY COPIES**

13 Please refer to Civil L. R. 5-4 and General Order No. 45 for the Northern District of
14 California for information relating to electronic filing procedures and requirements.

15 BEFORE NOON ON THE NEXT BUSINESS DAY FOLLOWING THE ELECTRONIC
16 FILING, THE PARTIES ARE REQUIRED TO LODGE DIRECTLY WITH CHAMBERS ONE
17 **PAPER** COPY OF EACH DOCUMENT, WHICH IS TO BE DESIGNATED "JCS'S CHAMBERS'
18 COPY." All filings of documents relating to motions referred to the undersigned shall list the civil
19 case number and the district court judge's initials followed by the designation "(JCS)".

20 The failure of counsel or a party to abide by this Order may result in sanctions pursuant to
21 Fed. R. Civ. P. 16(f).

22 IT IS SO ORDERED.

23
24 Dated: December 20, 2006



JOSEPH C. SPERO
United States Magistrate Judge